

10/697,730

JAN 03 2007

Attorney Docket: 112.P77035

**REMARKS**

The present patent application has been reviewed in light of the final office action, referenced above, in which claims 1-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang et al., U.S. Patent Application Publication No. 2003/0032395 (hereinafter "Huang") in view of Chu-Chia et al., U.S. Patent Application Publication No. 2002/0142799 (hereinafter "Chu-Chia"). Reconsideration of the present application is respectfully requested.

Claims 1-15, and 21-26 are pending. Claims 16-20 were previously cancelled. Claims 21-29 have been added. Claims 1-3, 6-12, and 14 have been amended.

**Rejections under 35 U.S.C. § 103(a)**

Claims 1-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang in view of Chu-Chia.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Assignee's disclosure." MPEP § 2143. Assignee respectfully submits that the Examiner has not established a *prima facie* case of obviousness.

The cited applications do not teach or suggest all the limitations of the aforementioned claims. Neither of the cited documents, either alone or in combination,

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disclose a command generator "capable of asserting a command signal to said digital data processing system via local wireless transmission modules of said portable communication apparatus" as claimed in claim 1. At page 3 of the final office action, the Examiner states that Huang does not disclose asserting a command signal to a digital processing system via local wireless transmission modules of a portable communication apparatus. The Examiner attempts to cure this deficiency with Chu-Chia. However, Chu-Chia also does not disclose transmitting command signals to a digital processing device. For example, there is no disclosure in Chu-Chia of a PDA/Cell phone or PDA/GPS combination that transmits command signals to a digital processing system. Therefore, even if there was a teaching, suggestion, or motivation to combine Huang with Chu-Chia, and the Assignee does not believe such a teaching, suggestion, or motivation exists, any resulting combination would still not yield all of the elements of claim 1. Therefore, the Examiner has failed to establish a *prima facie* case for obviousness, and the Assignee respectfully requests that the rejection to claim 1 be withdrawn.

Claim 8 includes similar limitations, and is therefore also patentably distinguished over the cited documents, as are the claims that depend from claims 1 and 8. Assignee respectfully requests that the rejections to these claims be withdrawn. For similar reasons, new claims 21-29 are also believed to be patentably distinguished over the cited documents.

It is noted that claimed subject matter may be patentably distinguished from the cited patents for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

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CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in the present patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500.

Reconsideration of the present patent application and early allowance of all the claims is respectfully requested. Please charge any underpayments or credit any overpayments to deposit account no. 50-3703.

Respectfully submitted,

Dated: 1/3/07/Calvin E. Wells Reg. No. 43,256/  
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